

Message

From: Richard Kinch [rjkinch@cox.net]
Sent: 6/28/2019 3:11:10 PM
To: Breen, Barry [Breen.Barry@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Johnson, Barnes [Johnson.Barnes@epa.gov]
Subject: Comments on EPA Coal Ash Action
Attachments: Major Comment on EPA Coal Ash Amendments Phase 2.docx

Having retired from EPA and doing some consulting, I see in detail implementation of the coal ash rule. While there are implementation circumstances I fully support, I realized one massive regulatory flaw that can be easily corrected. I have found it extremely troublesome that in numerous situations burdensome actions are required when rigorous site-specific risk assessments show there is no undo risk.

In the upcoming rule, there could be an easy fix. Just as EPA allows utilities to show that contamination is due to other sources to avoid closure and/or corrective action – EPA could allow a site specific risk assessment to determine if there are undo risks. Specific site conditions are often times of great importance and should be considered in the rule. Such an adjustment would likely save billions of dollars.

More detail is provided in the attachment which I plan on sharing with OMB. I hope you can discuss this matter internally and with OMB, and solicit comment on the change in the upcoming rule. If there is comfort in having expensive actions taking place at sites that are not and will not pose undo risk, then I simply do not understand the functioning of the RCRA Subtitle D risk based statute where the objective is to protect human health and the environment

Respectfully,

Richard Kinch
703-901-4200
rjkinch@cox.net